

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Kenny Felton

Docket No. 2:12-CR-10-2D

Petition for Action on Supervised Release

COMES NOW Lakesha H. Wright, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Kenny Felton, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With Intent to Distribute 500 Grams or More of Cocaine, in violation of 21 U.S.C. § 846 and 21 U.S.C. § 841(b)(1)(B), was sentenced by the Honorable James C. Dever III, U.S. District Judge, on July 16, 2013, to the custody of the Bureau of Prisons for a term of 126 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 4 years.

Kenny Felton was released from custody on October 14, 2020, at which time the term of supervised release commenced.

On December 11, 2020, a Violation Report was submitted to the court advising that on October 22, 2020, the defendant was charged with Driving While License Revoked Not Impaired Revocation and Failure to Stop for a Steady Red Light (20CR701836) in Pasquotank County, North Carolina. Inasmuch as Felton promptly reported his contact with law enforcement and was verbally reprimanded and counseled by the probation officer about his misconduct, it was recommended he be continued under supervision without modification. The court concurred with the recommendation on December 11, 2020. The Driving While License Revoked Not Impaired revocation charge was dismissed on August 9, 2021. The Failure to Stop for a Steady Red Light charge remains pending.

On April 20, 2021, a Violation Report was submitted to the court advising that on April 18, 2021, Felton submitted to an instant urine screen which tested positive for cocaine use. The national laboratory confirmed the result on April 25, 2021. When confronted with the instant urine screen result, the defendant admitted to consuming cocaine on April 16, 2021, after a friend inadvertently gave him a cigarette containing the substance. Felton also provided a written statement acknowledging his illegal drug use. In response to the violation, the undersigned probation officer used cognitive behavioral intervention skills and referred the defendant to PORT Health in Elizabeth City for a substance abuse assessment. As such, it was recommended that Felton be continued under supervision without modification. The court concurred with the recommendation on April 22, 2021. Note: The defendant underwent the substance abuse assessment at PORT Health on May 29, 2021, and was not recommended for treatment.

On August 30, 2021, a Petition for Action was submitted to the court advising that on August 22, 2021, the defendant submitted to an instant urine screen which tested positive for cocaine use. The national laboratory confirmed the result on September 3, 2021. When confronted with the instant urine screen result, Felton initially denied using cocaine, but he ultimately admitted to using the substance on August 20, 2021. He also provided a written statement acknowledging his illegal drug use. In response to the violation, the court was informed that the probation officer used cognitive behavioral intervention skills with Felton and referred him back to PORT Health in Elizabeth City for a substance abuse reassessment. The probation officer also recommended the defendant be ordered to abide by a curfew with electronic monitoring for a period of 30 consecutive days. The court concurred with the recommendation on August 30, 2021. Note: Felton underwent a substance abuse reassessment at PORT Health on September 7, 2021, and was recommended to attend individual substance abuse treatment. His electronic monitoring equipment was installed on September 10, 2021. The electronic monitoring condition expired on October 9, 2021.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On October 4, 2021, during an unannounced home visit and while under electronic monitoring, Felton submitted to an instant urine screen which tested positive for cocaine use. The national laboratory report confirmed the result on October 7, 2021. Inasmuch as Felton contested both results, a laboratory interpretation report was obtained from the national laboratory on October 13, 2021, which further confirmed the defendant's cocaine use. When confronted with the reports on October 15, 2021, Felton admitted to using cocaine on October 2, 2021. He also provided a written statement acknowledging his illegal drug use. Felton is currently participating in substance abuse treatment at PORT Health in Elizabeth City. However, as a punitive sanction, it is respectfully recommended he be ordered to abide by a curfew with electronic monitoring for a period of 60 consecutive days. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 60 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dewayne L. Smith

Dewayne L. Smith
Supervising U.S. Probation Officer

/s/ Lakesha H. Wright

Lakesha H. Wright
U.S. Probation Officer
306 East Main Street, Room 306
Elizabeth City, NC 27909-7909
Phone: 252-335-5508
Executed On: October 15, 2021

ORDER OF THE COURT

Considered and ordered this 18 day of October, 2021, and ordered filed and made a part of the records in the above case.

J. Dever

James C. Dever III
U.S. District Judge